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Attorneys for Defendant  
VIATOR, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ROSALINA C. RELENTE AND TRAVIS R.  
ANDERSON, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

VIATOR, INC., a corporation, and DOES 1-100,  
inclusive,

Defendants.

Case No. CV 12-5868 JSW

**CLASS ACTION**

**STIPULATION AND  
~~PROPOSED~~ PROTECTIVE  
ORDER REGARDING  
CUSTOMER INFORMATION**

Hon. Jeffrey S. White

Pursuant to Civil Local Rule 7-12, the parties, Plaintiffs Rosalina Relente and Travis Anderson (“Plaintiffs”) and Defendant Viator, Inc. (“Defendant”), by and through their undersigned counsel of record, submit the following stipulation and proposed order:

WHEREAS, Plaintiffs have requested personally identifying information (“Personal Information”) of Defendant’s customers, including their names, addresses, email addresses, and phone numbers, and documents and records that may contain such Information;

WHEREAS, pursuant to Defendant’s website privacy policy, Defendant may only disclose its customers’ Personal Information in limited circumstances; and

WHEREAS, in accordance with Defendant’s privacy policy, and to protect the Personal Information of Defendant’s customers, the parties have agreed that Defendant will provide Plaintiffs with its customers’ Personal Information, and responsive documents and records that may contain such Information, pursuant to a protective order similar to that entered in *York v. Starbucks Corp.*, No. CV 08-7919-GAF (PJWx), 2009 WL 3177605, at \*2 (C.D. Cal. June 30, 2009), on the terms set forth herein and subject to the Court’s approval.

IT IS HEREBY STIPULATED AND AGREED among the undersigned parties that:

1. Plaintiffs’ counsel will inform each customer contacted by Plaintiffs at the outset of the initial contact with that customer—whether in writing, by email, on the phone, or in person—that the customer has a right not to talk to counsel and that, if he or she elects not to talk to counsel, Plaintiffs’ counsel will terminate the contact and not contact that customer again.

2. Plaintiffs’ counsel will also inform the customer at this time that his or her refusal to speak with counsel will not prejudice his or her rights as a class member should the Court certify the class.

3. Plaintiffs’ counsel will prepare and retain lists of all customers contacted and those customers who made it known that they did not want to be contacted, and will provide the lists to the Court if requested to do so.

4. Plaintiffs will only use Defendant’s customers’ Personal Information for the purposes of this action and will not disseminate this information to anyone not necessary to the prosecution of this action.

1  
2 Dated: February 19, 2014

WESLEY E. OVERSON  
REBEKAH KAUFMAN  
COLETTE M. COLES  
MORRISON & FOERSTER LLP

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4  
5 By: /s/ Rebekah Kaufman  
6 Rebekah Kaufman

7 Attorneys for Defendant  
8 VIATOR, INC.

9 JAMES M. SITKIN, ESQ.  
LAW OFFICES OF JAMES M. SITKIN

10 MICHAEL F. RAM  
11 KARL OLSON  
RAM, OLSON, CEREGHINO &  
KOPCZYNSKI

12  
13 By: /s/ James M. Sitkin  
14 James M. Sitkin

15 Attorneys for Plaintiffs  
16 ROSALINA C. RELENTE, TRAVIS R.  
ANDERSON and all others similarly  
situated

**SIGNATURE ATTESTATION**

I, Rebekah Kaufman, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Regarding Briefing Schedule for Defendant Viator, Inc.'s Motion to Dismiss Complaint. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that James M. Sitkin has concurred in this filing.

/s/ Rebekah Kaufman

Rebekah Kaufman

**~~[PROPOSED]~~ ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED**

Dated: February 25, 2014

  
The Hon. Jeffrey S. White  
United States District Judge